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EXAMINER

WORJLOH, JALATEE

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3621

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,267

Applicant(s)

DU ET AL.

Examiner

Jalatee Worjloh

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40,43,44 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40,43,44 and 50-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 10, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed February 10, 2006 have been fully considered but they are not persuasive.

Applicants argued that Sasaki teaches away from "storing the digital content at a first computing system; and sending the metadata and the publication information to a second computing system for storage separately from the first computing system," as recited in claim 1. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, as illustrated by the Office Action mailed October 17, 2005, "Sasaki et al. do not expressly disclose sending the metadata and the publication information to a second computing system for storage separately from the first computing system". Niwa, however, cures the deficiency of Sasaki et al. by disclosing this feature. Therefore, at the time the invention was made, it would have been

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obvious to a person of ordinary skill in the art to modify Sasaki et al. system/method to include the step wherein the metadata and the publication information are sent to a second computing system for storage separately from the first computing system. One of ordinary skill in the art would have been motivated to do this because it promotes quick data transmission by reducing the amount of information stored on a data storage device. Also, storing the metadata and publication information separately from the content helps to reduce unauthorized usage of content. That is, such storage arrangement prevents users from editing an expired file to extend their usage term.

Applicants argued that storing the digital content at a first computing system and the metadata and the publication information at a second computing system would change the principle of operation of the Sasaki system and render it unsatisfactory for its intended purpose. The examiner respectfully disagrees; notice, Sasaki et al. indicates in paragraph [0058] that “The systems and methods described” are “not limited to any particular hardware, firmware or software configuration, but rather they may be implemented in any computing or processing environment.” This statement implies that it is possible to modify Sasaki et al. system to send the metadata and the publication information to a second computing system for storage separately from the first computing system because such modification would not alter the scope of their invention. Again, Sasaki et al. invention is “not limited to any particular hardware, firmware or software configuration”.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5,10,14-18,23, 27-31,36, 40, 43, and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication No. 2002/0077988 to Sasaki et al. in view of U.S. Publication No. 2003/0225696 to Niwa.

Referring to claim 1, Sasaki et al. disclose receiving digital content and metadata associated with the digital content (i.e. the metadata is implemented as a content header that includes information relating to an associated digital work), receiving publication information comprising distribution information that identifies one or more content distributors (i.e. the content header may include a distributor identifier) selected to distribute the digital content (see paragraphs [0038], lines 4-16 and [0040], claim 1 and fig.4; each digital work transmission involves the packaging of the digital work and the associated content header into an encrypted transfer file that may be securely transmitted from one participating entity to another), storing the digital content at a first computing system (see paragraph [0013]- each of the portable media devices comprises a memory for storing digital content), and sending the metadata and publication information to a computing system for storage (see paragraph [0016] a licensed digital content distributor that is configured to transmit to one or more portable media devices metadata associated with a broadcasted digital content and containing an embedded distributor identifier). Sasaki et al. do not expressly disclose sending the metadata and the publication

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information to a second computing system for storage separately from the first computing system. Niwa discloses sending the metadata and the publication information (i.e. information describing the content) to a second computing system for storage separately from the first computing system (see paragraphs [0072] and [0073] – the description database stores a content description table containing information describing the content... the description database and the video segment database are provided in separate storage media). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to include the step of sending the metadata and the publication information to a second computing system for storage separately from the first computing system. One of ordinary skill in the art would have been motivated to do this because promotes quick data transmission by reducing the amount of information stored on a data storage device. Also, storing the metadata and publication information separately from the content helps to reduce unauthorized usage of content. That is, such storage arrangement prevents users from editing an expired file to extend their usage term.

Referring to claim 2, Sasaki et al. disclose the method wherein receiving digital content includes receiving digital content from a digital content management (DCM) system (see paragraph [0040], license manager transmits the transfer file to commercial distributor which in turn transmits the digital content to end users).

Referring to claim 3, Sasaki et al. disclose receiving publication information includes receiving publication information using a graphical user interface (GUI), (see paragraph [0035],

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lines 6-12 the graphical user interface may display the title and other information relating to one or more digital works).

Referring to claims 4 and 30, Sasaki et al. disclose the digital content includes at least one of streaming video content, music content, graphic content, print content, sound content or audio content (see paragraph [0007]).

Referring to claims 5 and 31, Sasaki et al. disclose the metadata includes at least one of a name, length, publisher, location, or description associated with the digital content (see paragraph [0038]; the metadata is implemented as a content header that includes information relating to an associated digital work).

Referring to claims 10, 50 –52, Sasaki et al. disclose producing protected digital content includes controlling access to the digital content over a network (see paragraph [0046]; The encrypted content package and the encrypted content key may be packaged into a file that is transmitted to the recipient user. The metadata and content key associated with each digital work not only control a user's access to digital content stored on the user's playback device.).

Referring to claim 14, Sasaki et al. disclose a memory unit and a processor configured to (see paragraph [0034] server computer includes a processing unit, a system memory) receive digital content and metadata associated with the digital content (i.e. the metadata is implemented as a content header that includes information relating to an associated digital work), receive publication information comprising distribution information that identifies one or more content distributors (i.e. the content header may include a distributor identifier) selected to distribute the digital content (see paragraphs [0038], lines 4-16 and [0040], claim 1 and fig.4; each digital work transmission involves the packaging of the digital work and the associated content header into an

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encrypted transfer file that may be securely transmitted from one participating entity to another), store the digital content at a first computing system (see paragraph [0013]- each of the portable media devices comprises a memory for storing digital content) and send the metadata and publication information to a computing system for storage (see paragraph [0016] a licensed digital content distributor that is configured to transmit to one or more portable media devices metadata associated with a broadcasted digital content and containing an embedded distributor identifier). Sasaki et al. do not expressly disclose send the metadata and the publication information to a second computing system for storage separately from the first computing system. Niwa discloses sending the metadata and the publication information (i.e. information describing the content) to a second computing system for storage separately from the first computing system (see paragraphs [0072] and [0073] – the description database stores a content description table containing information describing the content... the description database and the video segment database are provided in separate storage media). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Sasaki et al. to send the metadata and the publication information to a second computing system for storage separately from the first computing system. One of ordinary skill in the art would have been motivated to do this because promotes quick data transmission by reducing the amount of information stored on a data storage device. Also, storing the metadata and publication information separately from the content helps to reduce unauthorized usage of content. That is, such storage arrangement prevents users from editing an expired file to extend their usage term.

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Referring to claim 15, Sasaki et al. disclose the processor is configured to digital content includes receiving digital content form a digital content management (DCM) system (see paragraph [0040], license manager transmits the transfer file to commercial distributor which in turn transmits the digital content to end users).

Referring to claim 16, Sasaki et al. disclose the processor is configured to receive publication information includes receiving publication information using a graphical user interface (GUI), see paragraph [0035], lines 6-12 the graphical user interface may display the title and other information relating to one or more digital works).

Referring to claim 17, Sasaki et al. disclose the digital content includes at least one of streaming video content, music content, graphic content, print content, sound content or audio content (see paragraph [0007]).

Referring to claims 18 and 43, Sasaki et al. disclose the metadata includes at least one of a name, length, publisher, location, or description associated with the digital content (see paragraph [0038]; the metadata is implemented as a content header that includes information relating to an associated digital work).

Referring to claim 23, Sasaki et al. disclose the processor is configured to control access to the digital content over a network (see paragraph [0046]; The encrypted content package and the encrypted content key may be packaged into a file that is transmitted to the recipient user. The metadata and content key associated with each digital work not only control a user's access to digital content stored on the user's playback device.).

Referring to claim 27, Sasaki et al. disclose receive digital content and metadata associated with the digital content (i.e. the metadata is implemented as a content header that

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includes information relating to an associated digital work), receive publication information comprising distribution information that identifies one or more content distributors (i.e. the content header may include a distributor identifier) selected to distribute the digital content (see paragraphs [0038], lines 4-16 and [0040], claim 1 and fig.4; each digital work transmission involves the packaging of the digital work and the associated content header into an encrypted transfer file that may be securely transmitted from one participating entity to another), store the digital content at a first computing system (see paragraph [0013]- each of the portable media devices comprises a memory for storing digital content) and send the metadata and publication information to a second computing system for storage (see paragraph [0016] a licensed digital content distributor that is configured to transmit to one or more portable media devices metadata associated with a broadcasted digital content and containing an embedded distributor identifier). Sasaki et al. do not expressly disclose send the metadata and the publication information to a second computing system for storage separately from the first computing system. Niwa discloses sending the metadata and the publication information (i.e. information describing the content) to a second computing system for storage separately from the first computing system (see paragraphs [0072] and [0073] – the description database stores a content description table containing information describing the content... the description database and the video segment database are provided in separate storage media). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Sasaki et al. to send the metadata and the publication information to a second computing system for storage separately from the first computing system. One of ordinary skill in the art would have been motivated to do this because promotes quick data transmission by reducing the

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amount of information stored on a data storage device. Also, storing the metadata and publication information separately from the content helps to reduce unauthorized usage of content. That is, such storage arrangement prevents users from editing an expired file to extend their usage term.

Referring to claim 28, Sasaki et al. disclose instructions for causing the computer to produce protected digital content wherein the digital content is received from a digital content management (DCM) system (see paragraph [0040], license manager transmits the transfer file to commercial distributor which in turn transmits the digital content to end users and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions).

Referring to claim 29, Sasaki et al. disclose instructions for causing the computer to receive publication information includes receiving publication information using a graphical user interface (GUI), (see paragraph [0035], lines 6-12 the graphical user interface may display the title and other information relating to one or more digital works and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions).

Referring to claim 36, Sasaki et al. disclose instructions for causing the computer to produce protected digital content includes controlling access to the digital content over a network (see paragraph [0046]; The encrypted content package and the encrypted content key may be packaged into a file that is transmitted to the recipient user. The metadata and content key associated with each digital work not only control a user's access to digital content stored on the

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user's playback device and paragraph [0035], lines 6-12 the graphical user interface may display the title and other information relating to one or more digital works and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions).

Referring to claim 40, Sasaki et al. disclose a digital content management (DCM) computer (i.e. content owner) configured to receive digital content and metadata associated with the digital content from a digital content management computer (i.e. license manager), receive publication information, store the digital content at the DCP computer, in response to a request by the DCP computer and a digital rights management (DRM) computer (i.e. commercial distributor) configured to receive the metadata and the publication information from the DCP computer, and store the metadata and the publication information, the publication information comprising distribution information that identifies one or more content distributors selected to distribute the digital content (see paragraphs [0031], [0041] and claim 1 above). Sasaki et al. do not expressly disclose the digital management computer send the metadata and the publication information to a digital right management computer for storage separate from the DCP computer. Niwa discloses sending the metadata and the publication information (i.e. information describing the content) to a second computing system for storage separately from the first computing system (see paragraphs [0072] and [0073] – the description database stores a content description table containing information describing the content... the description database and the video segment database are provided in separate storage media). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sasaki et al. to send the metadata and the publication information to a second computing system for

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storage separately from the first computing system. One of ordinary skill in the art would have been motivated to do this because promotes quick data transmission by reducing the amount of information stored on a data storage device. Also, storing the metadata and publication information separately from the content helps to reduce unauthorized usage of content. That is, such storage arrangement prevents users from editing an expired file to extend their usage term.

Referring to claim 53, Sasaki et al. disclose instructions for causing the computer to produce protected digital content (see paragraph [0046]; The encrypted content package and the encrypted content key may be packaged into a file that is transmitted to the recipient user. The metadata and content key associated with each digital work not only control a user's access to digital content stored on the user's playback device and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions).

Referring to claim 54, Sasaki et al. disclose storing metadata for the digital content in association with publication information for the digital content, the publication information identifying one or more content distributors selected to distribute the digital content and enabling secure distribution of the digital content according to the stored publication information (see [0015] and claim 1 above). Sasaki et al. do not expressly disclose the metadata being stored separately from the digital content. Niwa disclose the metadata (i.e. information describing the content) being stored separately from the digital content (see paragraphs [0072] and [0073] – the description database stores a content description table containing information describing the content... the description database and the video segment database are provided in separate

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storage media). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to store the metadata separately from the content. One of ordinary skill in the art would have been motivated to do this because promotes quick data transmission by reducing the amount of information stored on a data storage device. Also, storing the metadata and publication information separately from the content helps to reduce unauthorized usage of content. That is, such storage arrangement prevents users from editing an expired file to extend their usage term.

Referring to claim 55, Sasaki et al. disclose generating a protected version of the digital content and using the metadata and the publication information to control access to the protected version of the digital content (see claim 10 above).

5. Claims 6, 9, 19, 22, 32 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. and Niwa as applied to claims 1, 50,14 and 53 above.

Referring to claims 6, 19, 32 and 44, Sasaki et al. disclose publication information (see claims 1 and 14 above). Sasaki et al. do not expressly disclose the publication information further comprises at least one of pricing, rights, or catalog information associated with the digital content. However this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The receiving steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art

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to receiving publication information including any type of content because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Referring to claim 9, Sasaki et al. disclose producing thumbnail information (i.e. “preview sample clips”) associated with the digital content (see paragraphs [0038] and [0057]). Sasaki et al. do not expressly disclose storing the thumbnail information into a hypertext transfer protocol (HTTP) directory such that the thumbnail information is accessible over a network, but this is an inherent step. Sasaki et al. disclose an Internet web site that presents a collection of digital content including previews (see paragraph [0038]), which implies that the web site, which utilizes a HTTP protocol, stores the previews (thumbnail information). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to include the step of storing the thumbnail information into a hypertext transfer protocol (HTTP) directory such that the thumbnail information is accessible over a network. One of ordinary skill in the art would have been motivated to do this because it dramatically improves the content browsing process by making it easier and faster to manage and download large images.

Referring to claim 22, Sasaki et al. disclose the processor is configured to produce thumbnail information (i.e. “preview sample clips”) associated with the digital content (see paragraphs [0038] and [0057]). Sasaki et al. do not expressly disclose storing the thumbnail information into a hypertext transfer protocol (HTTP) directory such that the thumbnail information is accessible over a network, but this is an inherent step. Sasaki et al. disclose an Internet web site that presents a collection of digital content including previews (see paragraph

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[0038]), which implies that the web site, which utilizes a HTTP protocol, stores the previews (thumbnail information). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Sasaki et al. to store the thumbnail information into a hypertext transfer protocol (HTTP) directory such that the thumbnail information is accessible over a network. One of ordinary skill in the art would have been motivated to do this because it dramatically improves the content browsing process by making it easier and faster to manage and download large images.

Referring to claim 35, Referring to claim 22, Sasaki et al. disclose instructions to produce thumbnail information (i.e. "preview sample clips") associated with the digital content (see paragraphs [0038], [0057] and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions). Sasaki et al. do not expressly disclose storing the thumbnail information into a hypertext transfer protocol (HTTP) directory such that the thumbnail information is accessible over a network, but this is an inherent step. Sasaki et al. disclose an Internet web site that presents a collection of digital content including previews (see paragraph [0038]), which implies that the web site, which utilizes a HTTP protocol, stores the previews (thumbnail information). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the article disclose by Sasaki et al. to store the thumbnail information into a hypertext transfer protocol (HTTP) directory such that the thumbnail information is accessible over a network. One of ordinary skill in the art would have been motivated to do this because it dramatically improves the content browsing process by making it easier and faster to manage and download large images.

1. Claims 7,13,20,33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. and Niwa as applied to claims 50, 1,14, and 53 respectively above, and further in view of US Patent No. 6226618 to Downs et al.

Referring to claim 7, Sasaki et al. disclose producing protected digital content includes encrypting the digital content (see paragraph [0041], lines 1-4, license manger may package digital content and metadata into an encrypted content package). Sasaki et al. do not expressly disclose storing the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network. Downs et al. disclose storing the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network (see col. 67, lines 56-63; col. 68, lines 20-22; Content SC(s) for the Content are transferred via FTP to the designated Content Hosting Site(s). The Metadata SC(s) is transferred via FTP to the Content Promotions Web Site. Here the SC(s) are staged to a new Content directory). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to include the step of storing the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network. One of ordinary skill in the art would have been motivated to do this because it utilizes a protocol known for effectively exchanging files over the Internet.

Referring to claim 13, Sasaki et al. disclose metadata and publication information comprising distribution information that identifies one or more content distributor (see claim 1 above). Sasaki et al. do not expressly disclose notifying a digital content distributor of the

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availability of metadata and publication information associated with the digital content. Downs et al. disclose notifying a digital content distributor of the availability of metadata and publication information associated with the digital content (see col. 18 table, step 130). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to include the step of notifying the distributors of availability. One of ordinary skill in the art would have been motivated to do this because it provides effective customer service.

Referring to claim 20, Sasaki et al. disclose the processor is configured to encrypt the digital content (see paragraph [0041], lines 1-4, license manger may package digital content and metadata into an encrypted content package). Sasaki et al. do not expressly disclose the processor is configured to store the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network. Downs et al. disclose storing the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network (see col. 67, lines 56-63; col. 68, lines 20-22; Content SC(s) for the Content are transferred via FTP to the designated Content Hosting Site(s). The Metadata SC(s) is transferred via FTP to the Content Promotions Web Site. Here the SC(s) are staged to a new Content directory). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Sasaki et al. to store encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network. One of ordinary skill in the art would have been motivated to do this because it utilizes a protocol known for effectively exchanging files over the Internet.

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Referring to claim 33, Sasaki et al. disclose instructions to encrypt the digital content (see paragraph [0041], lines 1-4, license manger may package digital content and metadata into an encrypted content package and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions). Sasaki et al. do not expressly disclose storing the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network. Downs et al. disclose storing the encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network (see col. 67, lines 56-63; col. 68, lines 20-22; Content SC(s) for the Content are transferred via FTP to the designated Content Hosting Site(s). The Metadata SC(s) is transferred via FTP to the Content Promotions Web Site. Here the SC(s) are staged to a new Content directory). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the article disclose by Sasaki et al. to store encrypted digital content into a file transfer protocol (FTP) directory such that the digital content is accessible over a network. One of ordinary skill in the art would have been motivated to do this because it utilizes a protocol known for effectively exchanging files over the Internet.

Referring to claim 39, Sasaki et al. disclose metadata and publication information comprising distribution information that identifies one or more content distributor (see claim 1 above). Sasaki et al. do not expressly disclose instructions for causing the computer to notify a digital content distributor of the availability of metadata and publication information associated with the digital content. Downs et al. disclose instructions for causing the computer to notify a digital content distributor of the availability of metadata and publication information associated

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with the digital content (see col. 18 table, step 130 and col. 6, lines 37-40 The Secure Digital Content Electronic Distribution System is a technical platform that encompasses the technology, specifications, tools and software need for the secure delivery and rights management of Digital content). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the article disclose by Sasaki et al. to include the step of notifying the distributors of availability. One of ordinary skill in the art would have been motivated to do this because it provides effective customer service.

2. Claims 8, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. and Niwa as applied to claims 50, 14 and 53 respectively above, and further in view of European Patent No. 1041823 to Saito et al.

Sasaki et al. disclose producing protected digital content includes encrypting digital content (see paragraph [0041], lines 1-4, license manger may package digital content and metadata into an encrypted content package). Sasaki et al. do not expressly disclose storing the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network. Saito et al. disclose storing the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network (see paragraphs [0009] & [0046] because the encrypted content is in the form of AV stream data transferred in real time over the Internet, in the first embodiment of the present invention RTP (real-time Transport Protocol) is used as the transport protocol). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to include

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the step of storing the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network. One of ordinary skill in the art would have been motivated to do this because it effectively deliveries streamed multimedia data over the Internet Protocol networks.

Referring to claim 21, Sasaki et al. disclose a processor is configured to encrypt the digital content (see paragraph [0041], lines 1-4, license manger may package digital content and metadata into an encrypted content package). Sasaki et al. do not expressly disclose the processor is configure to store the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network. Saito et al. disclose storing the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network (see paragraphs [0009] & [0046] because the encrypted content is in the form of AV stream data transferred in real time over the Internet, in the first embodiment of the present invention RTP (real-time Transport Protocol) is used as the transport protocol). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Sasaki et al. to store the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network. One of ordinary skill in the art would have been motivated to do this because it effectively deliveries streamed multimedia data over the Internet Protocol networks.

Referring to claim 34, Sasaki et al. disclose instructions to encrypt the digital content (see paragraph [0041], lines 1-4, license manger may package digital content and metadata into an encrypted content package and paragraph [0034] server computer includes a hard drive...hard

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drive contain computer-readable media disks that provide storage for computer executable instructions). Sasaki et al. do not expressly disclose instructions to store the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network. Saito et al. disclose storing the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network (see paragraphs [0009] & [0046] because the encrypted content is in the form of AV stream data transferred in real time over the Internet, in the first embodiment of the present invention RTP (real-time Transport Protocol) is used as the transport protocol). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the article disclose by Sasaki et al. to store the encrypted digital content into a real server transfer protocol (RSTP) directory such that the digital content is capable of being streamed over a network. One of ordinary skill in the art would have been motivated to do this because it effectively deliveries streamed multimedia data over the Internet Protocol networks.

3. Claims 11, 12, 24, 25, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. and Niwa as applied to claims 10, 1, 23, 24, 36 and 27 respectively above, and further in view of US Publication No. 2003/0023564 to Padhye et al.

Referring to claims 11,24 and 37, Sasaki et al. disclose controlling access to digital content over a network (see claim 10 above). Sasaki et al. do not expressly disclose controlling access using an XrML (eXtensible Rights Markup Language) license. Padhye et al. disclose controlling access using a XrML license (see paragraphs [0038] and [0033]; Protected content can be prepared with document preparation application ...a rights language such as XrML can be

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used to specify the rights and conditions in rights label. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to control access using an XrML license. One of ordinary skill in the art would have been motivated to do this because it is a language that effectively expresses rights and conditions associated with a digital content.

Referring to claim 12, Sasaki et al. disclose metadata and publication information associated with the digital content (see claims 1 and 14 above). Sasaki et al. do not expressly disclose sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content. Padhye et al. disclose sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content (see paragraphs [0071] & [0033] The rights label includes metadata...Rights label associated with protected content and the encryption key used to encrypt protected content can be transmitted to license server). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Sasaki et al. to include the step of sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content. One of ordinary skill in the art would have been motivated to do this because the rights label has a secure mechanism that protects the content when the content is generated (see paragraph [0013] of Padhye).

Referring to claim 25, Sasaki et al. disclose metadata and publication information associated with the digital content (see claims 1 and 14 above). Sasaki et al. do not expressly

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disclose the processor is configured to send includes sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content. Padhye et al. disclose sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content (see paragraphs [0071] & [0033] The rights label includes metadata...Rights label associated with protected content and the encryption key used to encrypt protected content can be transmitted to license server). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Sasaki et al. to include the step of sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content. One of ordinary skill in the art would have been motivated to do this because the rights label has a secure mechanism that protects the content when the content is generated (see paragraph [0013] of Padhye).

Referring to claim 38, Sasaki et al. disclose metadata and publication information associated with the digital content (see claims 1 and 14 above). Sasaki et al. do not expressly disclose the instructions for causing the computer to send includes sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content. Padhye et al. disclose sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content (see paragraphs [0071] & [0033] The rights label includes metadata...Rights label associated with protected content and the encryption key used to encrypt protected content can be transmitted to license

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server and paragraph [0034] server computer includes a hard drive...hard drive contain computer-readable media disks that provide storage for computer executable instructions).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the article disclose by Sasaki et al. to include the step of sending a rights-label to a digital content rights management system (DRM), wherein the rights-label includes metadata and publication information associated with the digital content. One of ordinary skill in the art would have been motivated to do this because the rights label has a secure mechanism that protects the content when the content is generated (see paragraph [0013] of Padhye).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

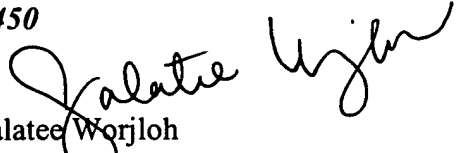
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450***


Jalatec Worjloh
Patent Examiner
Art Unit 3621

April 20, 2006